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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

**Submission from the Permanent Mission of Portugal
dated 13 February 1998**

GE.98-13143 (E)

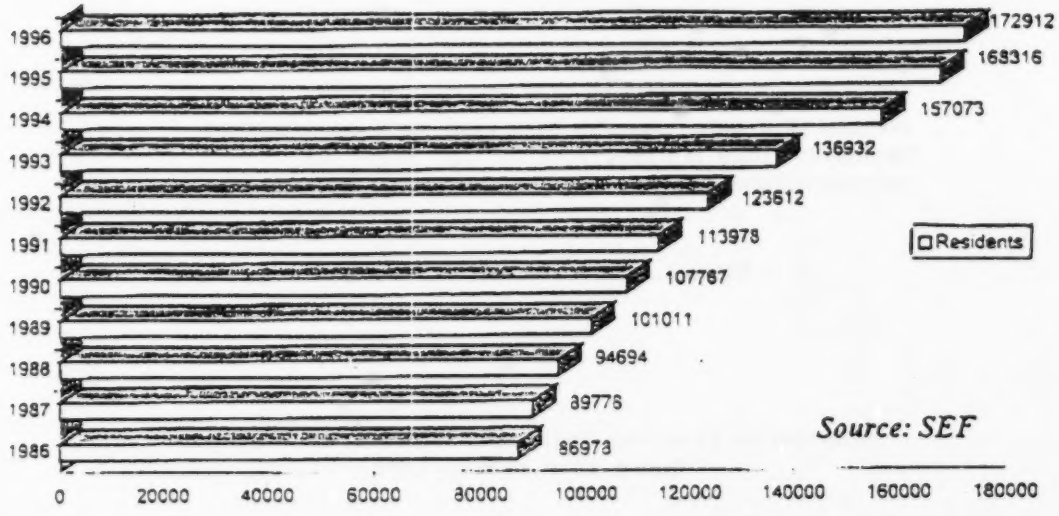
Questionnaire on the human rights of migrants

1. The most recent published data concerning the resident non-national population appear in the report of the Aliens and Frontiers Service (SEF) on its work in 1996. The tables reproduced here are taken from that report and relate to the year 1996.

Under a law unanimously adopted by the National Assembly, a special campaign for the regularization of clandestine immigrants has taken place.

The SEF report states that the completion of the special campaign to regularize immigrants represented "a first step in the campaign against exploitation and violations of fundamental rights which situations of illegality entail".

RESIDENT NON-NATIONAL POPULATION
OVERALL TRENDS, 1986-1996



There are no estimates concerning the numbers of illegal immigrants. However, it is presumed that their number is small in view of the effort made to reduce it, specifically by the special campaign to regularize immigrants.

However, freedom of movement under the Schengen agreement and the presence of significant numbers of illegal immigrants in States parties to that agreement may give rise to attempts by illegal immigrants in those other States to enter Portugal.

It must also be mentioned that the SEF has been making considerable efforts to combat the use of forged papers. Forged papers have been detected in airports (in particular Lisbon airport) and in various parts of the country.

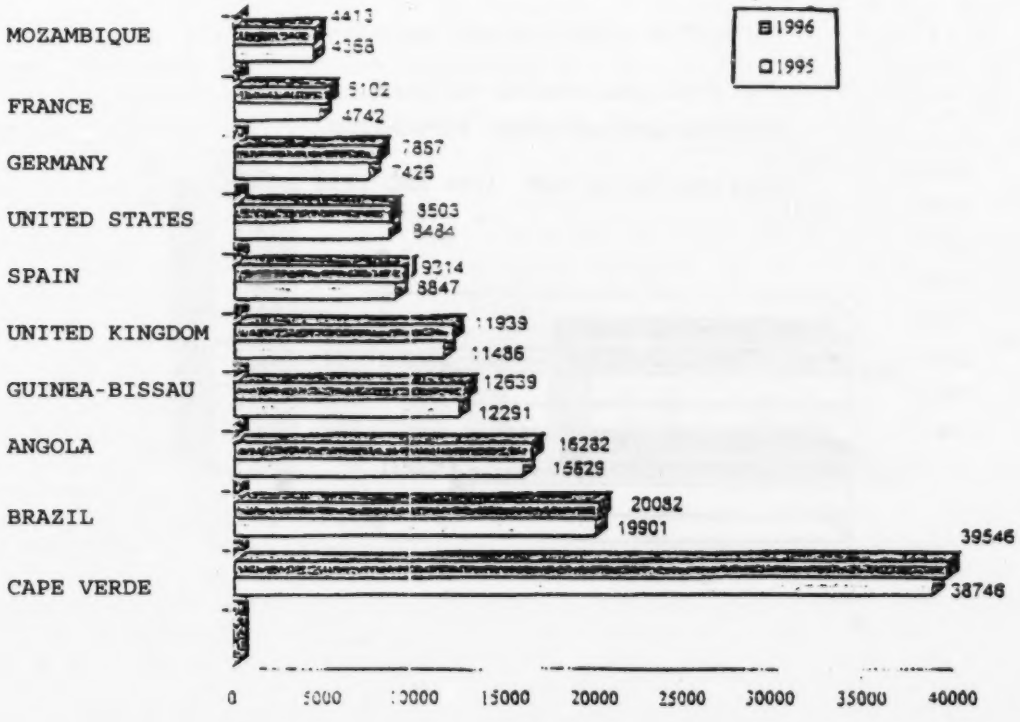
SPECIAL REGULARIZATION CAMPAIGN

(June-December 1996)

TOTAL APPLICATIONS ACCEPTED/REFUSED			
From: 11.06.96 To: 11.12.96	OF LUSITANIAN ORIGIN	OTHERS	TOTAL APPLICATIONS
APPLICATIONS ACCEPTED	25 650	5 467	31 117
APPLICATIONS REFUSED	70	3 895	3 965
TOTAL	25 720	9 362	35 082

Trends have remained constant as regards the principal nationalities concerned and distribution by district, sex and occupation.

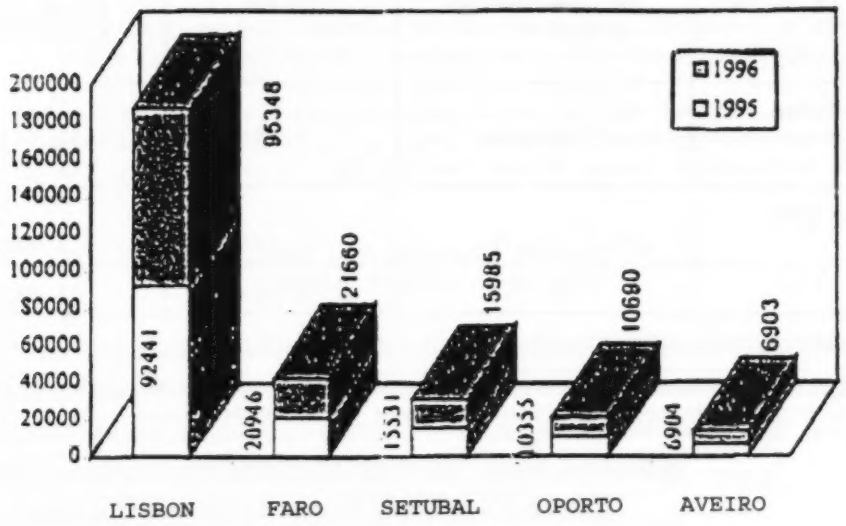
PRINCIPAL NATIONALITIES REPRESENTED,
1995 AND 1996



Source: SEF

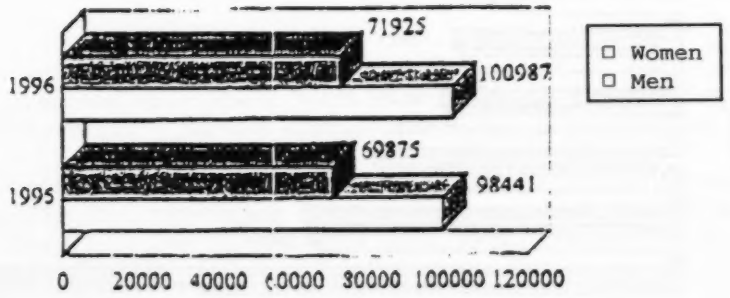
RESIDENT NON-NATIONAL POPULATION

DISTRIBUTION BY DISTRICT, 1995 AND 1996



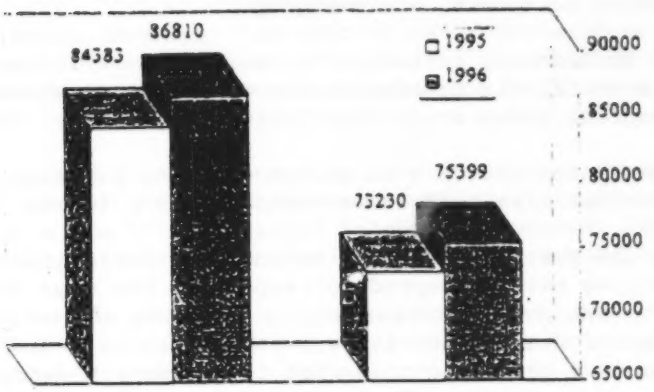
RESIDENT NON-NATIONAL POPULATION

DISTRIBUTION BY SEX, 1995 AND 1996



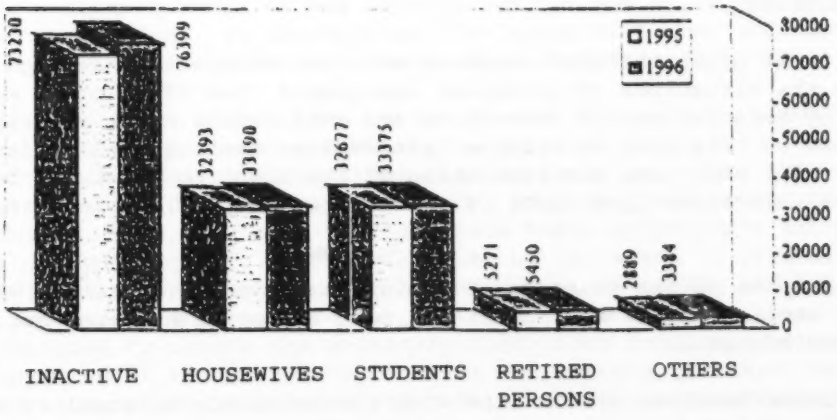
RESIDENT NON-NATIONAL POPULATION

DISTRIBUTION BY MAJOR GROUP (ACTIVE AND INACTIVE), 1995 AND 1996



RESIDENT NON-NATIONAL POPULATION

DISTRIBUTION BY OCCUPATION, 1995 AND 1996



According to the national report mentioned earlier, the type of fraud most frequently resorted to is the replacement of a photograph; next comes the use of papers belonging to someone else. The latter type of fraud is the one most frequently used with European Union documents.

The principal bearers of forged papers are citizens of Angola, Zaire, Guinea-Bissau, Cape Verde, Senegal and Ghana. New user groups, such as Philippine and Indian nationals, are emerging.

2. The present Government, in line with the programme it has set itself, has endeavoured to contribute to respect for the human rights of immigrants and to their harmonious integration into Portuguese society.

We have endeavoured not only to pursue existing policies and to make them more effective but also to take measures in other fields.

By creating the post of High Commissioner for Immigration and Ethnic Minorities (HCIME), we have attempted to respond to the need to develop "measures for the integration into society of families of immigrants and, generally speaking, of ethnic minorities, with a view to avoiding situations of marginalization of a nature to give rise to racism and xenophobia".

The post of High Commissioner was created by the Basic Law of the present Government. The task of the High Commissioner is "to accompany, at interministerial level, support for the integration of immigrants, the presence of whom is an enriching element for Portuguese society" (Decree-Law 3-A/96 of 26 January).

The promotion, protection and implementation of the human rights of immigrants has been effected either by specific measures of direct concern to them or by including them within the scope of general policies to combat social exclusion.

The first group includes measures such as the special campaign to regularize the situations of irregular immigrants (Law 17/96 of 24 May); the law allowing associations of immigrants and anti-racist and human rights associations to take part in criminal proceedings dealing with racist crimes (Law 20/96 of 6 July) and the regulation of the right to elect and be elected in municipal elections (Law 50/96 of 4 September and Declaration 2-A/97 of 11 April).

As examples of the coverage of immigrants in policies to combat social exclusion, mention may be made of fields such as social housing, social security and education.

All these measures are in line with the principle of equality of rights between nationals and non-nationals temporarily or habitually resident in Portugal as laid down in article 15 of the Portuguese Constitution; the latter permits no exceptions save those laid down in the Constitution itself or in legislation when there are substantive grounds justifying such exceptions.

The Constitution stipulates that the right to participate in local elections is subject to reciprocity.

Citizens of the European Union, Cape Verde, Brazil, Peru and Uruguay are thus entitled to vote and to stand for election to organs of local authority.

Citizens of Argentina, Israel and Norway only have the right to vote.

Over 10,000 citizens of Cape Verde have registered to exercise the right of participation in local elections.

As regards social housing, legislative texts designed to establish the necessary conditions for the more expeditious and flexible implementation of the special rehousing plans have been published on the initiative of the present Government.

For example, Decree-Law 79/96 of 20 June (better known as the PER-Families Law) established a scheme to provide assistance to families falling within the scope of the Special Rehousing Programme (PER) in the metropolitan areas of Lisbon and Oporto to acquire or rehabilitate housing.

In addition to the already existing opportunities for local authorities to promote the construction of housing where needed or to purchase existing dwellings in the market (subject to certain ceilings on the purchase prices), the Decree-Law offers other possibilities. The principle of financial assistance with the purchase of housing by families who have to be rehoused is now accepted; it is designed to enable the families concerned to choose the places and the dwellings most suitable for them to live in, thus facilitating their social integration.

Mention must also be made, on account of its practical impact, of Order 357/96 of 16 August, which is designed to create conditions for a more effective implementation of the PER. This order provides that, in exceptional and justified cases, local authorities and families may acquire dwellings the size and the prices of which exceed those fixed for the different regions of the country, by typology, in the metropolitan areas of Lisbon and Oporto, taking into account price movements observed in the national market.

Law 19-A/96 of 29 June, known as the Minimum Guaranteed Income Law, has for the first time in Portugal established a non-contributory social security benefit scheme and a social integration plan designed to ensure that individuals and their families have resources contributing to the satisfaction of their minimum needs, and also to facilitate their progressive integration into social and working life. It should also be mentioned in this context that, in addition to the cash benefit, which varies in amount and is temporary in nature, provision is being made for the establishment of an integration programme designed to create the necessary conditions for the progressive social integration of recipients of benefits and members of their families. Within these integration programmes other forms of assistance may be granted to recipients of the guaranteed minimum income benefit and to the other members or their families, particularly with regard to health, education, housing and transport.

It must be emphasized that the recipients of these benefits are not only Portuguese citizens but all persons legally residing in Portugal who meet the conditions laid down by law. This is in line with constitutional principles

and recognition of the social citizenship of non-national citizens and Portuguese citizens who might be considered as forming part of a national ethnic minority.

In the educational field, in addition to the continuation of experiments with intercultural education designed to reduce the incidence of failure at school and early drop-outs, priority educational intervention areas and alternative syllabuses have been created for the benefit of young people, independently of ethnic or national origin; these measures have contributed to the success of children of immigrants. It is also worthy of note that provision is being made for the appointment of mediators and cultural activity leaders to be recruited specifically from immigrant and national ethnic minority groups.

In the field of employment the law on the employment of non-nationals is being reviewed with the aim of removing restrictions in the field of recruitment, the implementation of working conditions and the combating of clandestine employment.

3. The ILO Migrant Workers (Revised) Convention, 1949 (No. 97) was ratified by Law No. 50/78 of 25 July.

ILO Convention (No. 143), concerning migration in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers, was ratified by Law 52/78 of 25 July.

Portugal has not yet ratified the 1990 Convention on the protection of migrant labour.

(Signed): The High Commissioner for Immigration and Ethnic Minorities: José Leitão

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